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DOCKET NO.: W0571.70010US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tuschl et al.  
Serial No.: 09/821,832  
Confirmation No.: 6240  
Filed: March 30, 2001  
For: RNA SEQUENCE-SPECIFIC MEDIATORS OF RNA INTERFERENCE  
Examiner: Louis V. Wollenberger  
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 28<sup>th</sup> day of April, 2009.

Amelia S. Lennon  
Amelia S. Lennon

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Helen C. Lockhart  
Helen C. Lockhart, Ph.D., Reg. No.: 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
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Telephone: (617) 646-8000

Docket No.: W0571.70010US02  
Date: April 28 2009  
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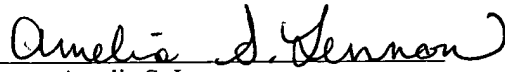
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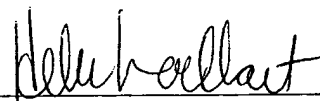
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Amelia S. Lennon

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**MAIL STOP AMENDMENT**

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Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of a Final Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application, after the filing of a Request for Continued Examination.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

04/30/2009 MBELETE1 00000004 09021832

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

Office Action mailed 03/02/2007 for Application No. 10/255,568 (W0571.70010US03)  
Office Action mailed 04/11/2008 for Application No. 10/255,568 (W0571.70010US03)  
Office Action mailed 04/17/2008 for Application No. 10/255,568 (W0571.70010US03)  
Office Action mailed 10/17/2008 for Application No. 10/255,568 (W0571.70010US03)  
Office Action mailed 12/18/2008 for Application No. 10/255,568 (W0571.70010US03)  
Office Action mailed 12/23/2008 for Application No. 10/255,568 (W0571.70010US03)  
Office Action mailed 02/26/2009 for Application No. 11/474,930 (W0571.70010US04)  
Office Action mailed 10/14/2008 for Application No. 11/474,738 (W0571.70010US05)  
Office Action mailed 04/08/2009 for Application No. 11/474,738 (W0571.70010US05)  
Office Action mailed 05/19/2008 for Application No. 11/474,932 (W0571.70010US06)  
Office Action mailed 11/25/2008 for Application No. 11/474,932 (W0571.70010US06)  
Office Action mailed 10/08/2008 for Application No. 11/474,919 (W0571.70010US07)  
Office Action mailed 01/13/2009 for Application No. 11/880,464 (W0571.70010US08)

Applicants also bring to the Examiner's attention the existence of the following Office Action, Responses to Office Actions, and Declarations cited in "Tuschl II" prosecution.

Response to Office Action mailed 03/27/2009 for Application No. 11/142,865  
Office Action mailed 09/29/2008 for Application No. 11/142,865  
Response to Office Action mailed 01/21/2009 for Application No. 11/634,129  
Response to Office Action mailed 01/12/2009 for Application No. 10/832,257  
Response to Office Action mailed 01/07/2009 for Application No. 11/142,866  
Declaration of Wolfgang Weiss filed 01/07/2009 for Application No. 11/142,866  
Declaration of Witold Filipowicz filed 01/07/2009 for Application No. 11/142,866  
Declaration of Thomas Tuschl filed 01/07/2009 for Application No. 11/142,866

The Applicant would like to bring to the Examiner's attention the enclosed search report or other communication from a corresponding International or Foreign National Application.

<u>Serial No.</u>	<u>Date of Mailing</u>	<u>Type(s) of Communication</u>	<u>Docket No.</u>
EP 08168152.0	January 26, 2009	Extended European Search Report	W0571.70010EP01
PCT/US01/10188	February 11, 2003	International Preliminary Examination Report	W0571.70010WO00
PCT/US01/10188	November 12, 2002	Written Opinion	W0571.70010WO00

The Applicant would like to bring the following abandoned U.S. patent application to the Examiner's attention:

<u>Serial No.</u>	<u>Inventor(s)</u>	<u>Filing Date</u>
*09/889,802	Kreutzer et al.	09-17-2001

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

It is requested that the Examiner review the above cited documents carefully. If the Examiner needs additional copies he is requested to contact the undersigned.

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

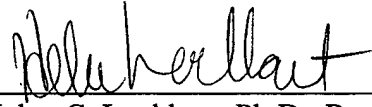
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

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